

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 14-2611 DSF(JC)	Date	June 21, 2019
Title	Kamorrie Randle v. R. Grounds		

Present: The Honorable Jacqueline Chooljian, United States Magistrate Judge

Kerri Hays	None	None
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Petitioner:		Attorneys Present for Respondent:
none present		none present

Proceedings: (IN CHAMBERS) **ORDER TO SHOW CAUSE WHY STAY SHOULD NOT BE LIFTED AND UNEXHAUSTED CLAIMS DISMISSED**

On November 15, 2018, the District Judge granted petitioner's motion to stay this action for petitioner to exhaust Grounds Three through Five in the pending Petition for Writ of Habeas Corpus ("Petition") and ordered petitioner to file periodic status reports detailing the status of the state court proceedings to exhaust his unexhausted claims. On December 14, 2018, petitioner filed his initial status report notifying the Court that he was "in the process of having his Petition for Writ of Habeas Corpus prepared for the California Supreme Court" and would "continue to expedite his efforts to exhaust Grounds three through five." On February 15, 2019, April 15, 2019, and June 17, 2019, petitioner filed further status reports all of which reflect that petitioner "has no new information" concerning the filing of his Petition for Writ of Habeas Corpus in the California Supreme Court and is continuing in his efforts to exhaust Grounds Three through Five.

As is apparent from the above, more than six months have passed since the stay was granted. Petitioner's status reports do not reflect that petitioner has yet filed a petition for writ of habeas corpus in the California Supreme Court and provide no details regarding petitioner's asserted efforts to exhaust his unexhausted claims, let alone details which would establish reasonable diligence in doing so. The Court further takes judicial notice of the dockets of the California Supreme Court (available via <https://appellatecases.courtinfo.ca.gov>) which contain no record that petitioner has sought relief in such court since the issuance of the stay (or since 2013).

In light of the foregoing, PETITIONER IS HEREBY ORDERED TO SHOW CAUSE WITHIN THIRTY (30) DAYS WHY THE STAY SHOULD NOT BE LIFTED, AND WHY THE UNEXHAUSTED GROUNDS SHOULD NOT BE DISMISSED.

Petitioner's failure timely to respond to this Order to Show Cause may result in an order vacating the stay and dismissing the unexhausted claims and/or an order dismissing this action with or without prejudice based upon petitioner's failure to prosecute and/or petitioner's failure to comply with this Order.

IT IS SO ORDERED.